

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Araceli King,

Plaintiff,

v.

Time Warner Cable, Inc.,

Defendant.

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: Civil Action No.: 1:14-cv-02018-AKH
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DECLARATION OF SERGEI LEMBERG

Pursuant to 28 U.S.C. § 1746, Sergei Lemberg, hereby declares as follows:

1. I am the sole managing partner of Lemberg Law, LLC (“Firm”), attorneys for the Plaintiff.

2. I am the leading attorney for the Plaintiff and I have personal knowledge of the facts set forth herein.

3. Attached to this Declaration are documents submitted in support of Plaintiff’s Motion for Summary Judgment.

4. Exhibit 1 contains a Sprint Subscriber Account Record for the Plaintiff Araceli King, produced by Sprint in response to Defendant Time Warner Cable, Inc.’s (“TWC”), subpoena.

5. Exhibit 2 contains excerpt of a deposition transcript excerpt of the Plaintiff Araceli King. Ms. King’s deposition was taken on May 15, 2015.

6. Exhibit 3 contains TWC’s Outbound Dial Log listing Defendant’s call attempts to Plaintiff’s cellular telephone and was produced by Defendant in the course of discovery.

7. Exhibit 4 contains a copy of the Sprint Call Log that contains a record of inbound and outbound calls for Plaintiff's cellular telephone number and which Sprint produced in response to the Plaintiff's subpoena.

8. Exhibit 6 is a chart that combines a record of all inbound calls placed by TWC to Plaintiff's cellular telephone number as reflected in the TWC's Outbound Dial Log, Sprint Call Log, and Kings Screenshots ("Combined Call Log") (*see* Declaration of Araceli King ¶4).

9. The Combined Call Log shows that TWC placed 163 calls to Plaintiff's cellular telephone number between July 3, 2013, and August 11, 2014.

10. Exhibit 7 contains excerpt of a deposition transcript excerpt of the Defendant's Rule 30(b)(6) witness David Zitko. Mr. Zitko's deposition was taken on March 25, 2015.

11. Exhibit 8 contains TWC's Inbound IVR Log listing Defendant's call history of connected calls with the Plaintiff's cellular telephone. TWC Inbound IVR Log was produced by Defendant in the course of discovery.

12. Exhibit 9 contains TWC's Inbound Customer Call History lists a call history of inbound calls from the Plaintiff to Defendant. TWC Inbound Customer Call History was produced by Defendant in the course of discovery.

13. Exhibit 10 contains a waiver of service of a Summons and Complaint on TWC.

14. On June 23, 2014, this Firm advised Defendant's counsel that TWC continued to place calls to the Plaintiff's cellular telephone in regard to the account for "Luiz Perez" and demanded that all such calls stop.

15. Exhibit 11 contains a June 18, 2015, Federal Communications Commission press release announcing FCC ruling to strengthen consumer protections against unwanted calls.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: June 23, 2015

/s/ *Sergei Lemberg*
Sergei Lemberg, Esq.